

Decision No. 62724**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
 RED LINE CARRIERS, INC., a corpora-
 tion, for a certificate of public
 convenience and necessity authorizing
 highway common carrier service.

Application No. 42586
 (Filed August 19, 1960)

Frank Loughran, for applicant.

Boris M. Lakusta, for Di Salvo Trucking Co.,
 Delta Lines, Inc., Fortier Transportation
 Co., Interlines Motor Express, Shippers
 Express, Pacific Motor Trucking Co.,
 Valley Lines and Valley Express, Oregon-
 Nevada-California Fast Freight and
 Southern California Freight Lines,
 Sterling Freight Lines, Merchants Express,
 Willig Freight Lines, California Motor
 Express, Garden City Transportation Co.,
 Ltd., and California Motor Transport, Ltd.,
 protestants.

O P I N I O N

This application was heard before Examiner Martin J. Porter at San Francisco, February 23 and June 9, 1961, on which latter date it was submitted. Copies of the application and Notice of Hearing were served in accordance with the Commission's procedural rules.

Applicant possesses and operates under radial highway common carrier, contract carrier, city carrier and household goods carrier permits.

It requests authority to conduct operations as a highway common carrier for the transportation of general commodities in the general area bounded by San Rafael on the northwest, Crockett on the northeast, Carmel on the southwest, and Salinas on the southeast.

Applicant's operations in the area wherein it seeks to be certificated have, for the most part, been conducted pursuant to its authority as a contract carrier. Applicant has written and oral contracts with all of the shippers for whom it now performs transportation services in the area sought by this application. The evidence shows that 50 to 60 percent of its operations are confined to appliances and new furniture.

Applicant presented four shipper witnesses, three of whom used applicant's services for appliances and furniture, crated and uncrated; the fourth of whom used applicant's services for industrial rubber products. These shippers unanimously agreed that applicant's services under the present arrangements are satisfactory, but thought that if applicant had common carrier authority they would be able to receive more frequent service.

Another reason urged for the granting of common carrier authority was based upon the belief that if applicant had tariffs on file it would enable shippers to determine specific shipping costs more easily than under Minimum Rate Tariff No. 2.

The record does not show that lack of common carrier authority is inhibiting applicant in the development of additional business or that such authority is necessary to facilitate handling of present business. In view of the evidence, it is clear that no need would be satisfied by the granting of common carrier authority which could not be satisfied under applicant's existing contract

authority. Therefore, in the absence of a clear showing of need for a service which could be provided only under common carrier authority, the fact that it might be more convenient to have a tariff on file--although even this is questionable under some circumstances--cannot be used as a basis for granting the application.

Upon consideration of applicant's evidence the Commission finds and concludes that applicant has failed to establish that public convenience and necessity require the proposed service. The application will be denied.

The protestants presented evidence through witnesses representing California Motor Transport Company, Ltd.; Pacific Motor Trucking Company; Delta Lines, Inc.; Merchants Express of California; Associated Freight Lines. In view of our aforementioned finding and conclusion a discussion of their evidence is not necessary.

ORDER

Public hearing having been held and based upon the evidence therein adduced,

IT IS ORDERED that Application No. 42586 is denied.

The effective date of this order shall be twenty days after the date hereof.

Dated at Los Angeles, California, this 24th day of OCTOBER, 1961.

[Signature] President
[Signature]
[Signature]

Commissioners

Commissioner Everett C. McKeage, being necessarily absent, did not participate in the disposition of this proceeding.